50,006—4-11-49. Secrt. II-28.

GOVERNMENT OF MADRAS.

Pub(Ele) (1952) Department.

Endorsement
D.O.
Memorandum
Lodged

Letter No. 1266/52-1

Dated 8/3/1952

Perused
by
21/3/52

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

B. BHIMA RAO, B.A., B.L., M.L.C.
ADVOCATE

CV

BELLARY

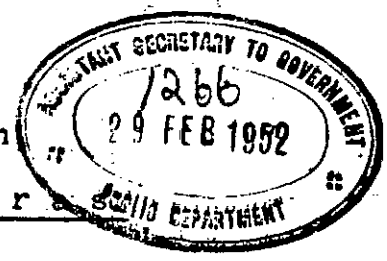
27th February 1952

To

The Election Commissioner,

Office of Election Commission

Madras



Sir,

Please be good enough to let me know:-

(a) the dates fixed for the receipt of nominations, the scrutiny of the same and the date of election of 24 members to the Madras Legislative Council by the 375 members newly elected to the State Legislature under Art. 171 (1)(d) of the constitution,

(b) the dates fixed for the receipt of nominations, the scrutiny of the same and the date of election for the Council of State at New Delhi under Art.80 of the Constitution,

(c) Whether any of the 375 members could propose and second the name of any candidate even without taking the oath required under the constitution.

I have enclosed a postal cover for the reply to be sent to me. I request the favour of reply by return of post

Yours faithfully,

B. Bhima Rao

(B.Bhima Rao).

PUBLIC (ELECTIONS) DEPARTMENT

Letter/Ref. No. 1266/52-1 Dated: 8-3-52

To

Sri B. Bhima Rao, B.A., B.L., M.L.C.,
Advocate,
Bellary.

Sir,

Ref:- Your letter dated 27th February 1952.

-:-

I am directed to say that the answers to the first two points raised in your letter cited are covered by the Press Release dated 1st March 1952 published in the Newspapers on the 3rd instant. As regards the third point, I am to say that the Government are of the view that the taking of oath by the members or the elected members of the Madras Legislative Assembly is not necessary prior to voting at elections by the members of the Madras Legislative Assembly to the Madras Legislative Council or at elections to fill the seats in the Council of States.

Y.F.

GOVERNMENT OF MADRAS
Public Works (Information and Publicity) Department.

PRESS RELEASE No.153, dated the 1st March, 1952.

...

ELECTION of 24 members to the Madras Legislative Council by the members of the Madras Legislative Assembly and election by the elected members of the Madras Legislative Assembly to fill the 27 seats/to Madras State in the Council of States. /allotted/

Under the Constitution of India, 24 members have to be elected to the Madras Legislative Council by the members of the Madras Legislative Assembly including the Anglo-Indian Member who has been nominated by His Excellency the Governor, and 27 members have to be elected to the Council of States by the elected members of the Madras Legislative Assembly. The requisite statutory notifications in connection with these elections will be issued in extra-ordinary issues of the Fort St.George Gazette and the Gazette of India respectively, on 22nd March, 1952. The statutory notices relating to these elections will be advertised in the newspapers. The elections will be held in accordance with the system of proportional representation by means of the single transferrable vote. The Deputy Secretary, Madras Legislative Council, will be the Returning Officer.

2. Electorate: The electorate for the election to ~~the~~ fill the 24 seats in the Madras Legislative Council, will consist of the members elected to the Madras Legislative Assembly at the recent general election and the Anglo-Indian member recently nominated by His Excellency the Governor under Article 333 of the Constitution.

In respect of the election to fill the 27 seats in the Council of States, the elected members of the Madras Legislative Assembly just referred to will constitute the electorate.

3. Qualifications of Candidates: The law relating to disqualifications of candidates in respect of these elections is the same as that in respect of the elections to the State Legislative Assembly and the House of the People, respectively.

A candidate for election to any of the 24 seats in the Madras Legislative Council must not be one of the persons qualified to vote at this election and must be--(1) A citizen of India; (2) not less than 30 years of age on the date when he files his nomination paper; and (3) must be, on that date, a voter for any one constituency of the Madras Legislative Assembly.

A candidate for election to the Council of States must be --- (1) a citizen of India; (2) not less than 30 years of age on the date when he files his nomination paper; and (3) must be on that date, a voter for any one constituency of the House of the People in the State of Madras.

4. Nominations: These should be delivered to the Returning Officer at his office between 11 A.M. and 3 P.M. on any working day during the period from 4th March 1952 and 13th March 1952, both days inclusive. Nomination papers received after 3 P.M. on the 13th March 1952 will be summarily rejected.

A nomination paper must be delivered to the Returning Officer by the candidate himself or his proposer or seconder. Printed nomination forms can be purchased from the Returning Officer. Copies of the lists of voters maintained by the Returning Officer under section 152 (1) of the Representation of the People Act, 1951, can also be purchased from the Returning Officer. Only a person qualified to vote at the election in question can subscribe a nomination paper as proposer or seconder. Each such person can subscribe, as proposer or seconder as many nomination papers as there are seats to be filled at the election.

Filling up of nomination paper: At the heading of the form, "March 1952" must be noted as the election period. Against item 7, should be entered the name of the Assembly or Parliamentary constituency, as the case may be, in which the candidate is a registered voter. Against item 4, "age", should be entered the number of the candidate's completed years of age as on the date on which his nomination paper is delivered to the Returning Officer. Against item 8, should be entered full particulars specifying the name of the village, panchayat, or town in which the candidate has been registered as a voter and the name and number of the locality, ward or block, in which his name has been registered, and also his serial number in that electoral unit. Against items 11 and 15, should be entered the serial number of the proposer or seconder, respectively, in the list of voters for the election in question referred to above. It is most important that the candidate's own declaration as well as his declaration in respect of the election agent appointed by him should be duly filled in. For the convenience of the candidates, the prescribed form of nomination paper has been printed omitting all inappropriate items.

Each candidate should deposit Rs.250/- if he is standing for election to the State Legislative Council and Rs.500/- if he is standing for election to the Council of States. Separate deposits should be made if he is standing for both these elections. Candidates who belong to a Scheduled Caste or Scheduled Tribe need deposit only half these amounts. The deposits must be paid into the Reserve Bank or into a Government Treasury or Sub-Treasury, or they should be paid in cash to the Returning Officer.

Under the law, the Returning Officer has the power to require the person presenting a nomination paper to produce a copy of the electoral roll in which the candidate's name has been included or a certified copy of the relevant entries in such roll. In his own interest, and to facilitate the work of all concerned, candidates are advised to produce such copies along with their nomination papers.

5. Scrutiny of nominations: This will take place on the 14th March, 1952.

6. Withdrawals: 3 P.M. on the 17th March, 1952 is the last hour fixed for withdrawal of candidatures. The notice of withdrawal in the prescribed form can be purchased from the Returning Officer, and must be presented by the candidate himself, or by his proposer or seconder or election agent who should be specially authorised in writing in this behalf by the candidate in a letter accompanying the notice.

7. Poll: If the number of validly nominated candidates, excluding those who have withdrawan in time and in the prescribed manner, exceeds the number of seats to be filled at the election, a poll will be held from 9 A.M. to 1 P.M. and 2 P.M. to 5 P.M. on Thursday, the 27th March, 1952 in the Legislature Buildings, Fort St.George. The poll for the two elections will be held in separate rooms in these buildings. The method of personal voting will be adopted, and a voter cannot vote except in person and at the place in the above buildings fixed for the poll. Individual notices to all voters will be sent by the Returning Officer as required by rule 73 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.

8. Regarding the forms referred to above, the law does not insist on the use of printed forms supplied by the Government. Even manuscript; typewritten, or privately printed forms may be used provided they tally with the prescribed form.

Issued by
The Director of Information & Publicity,
Government of Madras.

sg.1.3.

GOVERNMENT OF MADRAS.
PUBLIC WORKS (INFORMATION AND PUBLICITY) DEPARTMENT.

PRESS RELEASE NO.158, DATED THE 2ND MARCH 1952.

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Election by the members of the Madras Legislative Assembly to fill 24 seats in the Madras Legislative Council and election to fill 27 seats in the Council of States.

It has since been decided to issue the statutory notifications in connection with the above elections on the 4th March 1952 and not on the 3rd March 1952 as stated in the Press Release No.153, dated the 1st March 1952. Nominations may, accordingly, be filed on any working day from 4th March 1952 to 13th March 1952, both days inclusive. The time-table for these elections given in that Press Release will stand except for this modification.

Issued by
The Director of Information and Publicity.
Government of Madras.

KRVD.2.3.